

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
WASHINGTON, DC

SOS INTERNATIONAL LLC,	)		
	)		
Respondent,	)		
	)	Case Nos.	21-CA-178096
And	)		21-CA-185345
	)		21-CA-187995
PACIFIC MEDIA WORKERS GUILD,	)		
COMMUNICATIONS WORKERS OF	)		
AMERICA, LOCAL 39521, AFL-CIO,	)		
	)		
Charging Party	)		

**JOINT MOTION BY RESPONDENT AND CHARGING PARTY TO VACATE  
ADMINISTRATIVE LAW JUDGE’S DECISION**

NOW COMES SOS International LLC (“SOSi”), Respondent herein, and Pacific Media Workers Guild, Communications Workers of America, Local 39521, Charging Party herein, who jointly move that the Administrative Law Judge’s Decision dated March 12, 2018, be vacated. In support of this motion, Respondent and Charging Party make the following showing:

1. This case arises out of multiple unfair labor practice charges filed by Charging Party. The central issue raised by these charges was whether immigration court interpreters provided by Respondent to the United States Department of Justice (“DOJ”) under a contract between Respondent and the DOJ Executive Office of Immigration Review (“EOIR”) were employees under the Act or independent contractors.

2. Following the issuance of a series of consolidated complaints, the matter was heard on multiple dates by Administrative Law Judge Michael A. Rosas. On March 12, 2018,

ALJ Rosas issued his Decision finding the interpreters to be statutory employees. Respondent subsequently filed timely exceptions to the ALJ's Decision, as did the General Counsel.

3. At the same time that these proceedings were progressing, a parallel proceeding was occurring in the United States District Court for the Central District of California. This proceeding was brought as a class action wage and hour lawsuit under California and federal law. At the heart of this class action lawsuit was whether the immigration court interpreters were employees or independent contractors under the relevant California and federal statutes.

4. In an effort to achieve a global settlement of both the Board and California class action proceedings, Respondent and Charging Party engaged in extensive negotiations over many months. These discussions eventually resulted in a global settlement agreement that would resolve both proceedings. However, because the California class action could not be settled without the approval of the federal court, it was recognized that the settlement would have to be effectuated in stages.

5. The first stage involved all parties, including the General Counsel, making a joint motion to the Board to remand the Board cases back to the Regional Director in order to process the private settlement agreement between Respondent and Charging Party. This motion was granted on February 21, 2019. As an essential element of this private settlement agreement, Respondent and Charging Party agreed that following approval of the federal court settlement agreement, they would jointly move that the Board formally vacate the ALJ Decision. While the parties recognized that an un-reviewed ALJ Decision has no authoritative precedential value, it is not unusual for parties to cite such decisions in proceedings before other ALJs. Respondent and Charging Party thus desired that the ALJ Decision be formally vacated.

6. On November 1, 2019, the California federal court approved the class action settlement agreement.

7. In order to fully effectuate the intent of the parties in resolving these protracted and expensive proceedings, Respondent and Charging Party hereby move that the Board enter an order formally vacating the ALJ Decision on the grounds that a full and final settlement of all claims has been achieved.

8. The General Counsel has stated that it has no objection to this motion.

WHEREFORE, Respondent and Charging Party respectfully request that the Board formally vacate the ALJ Decision based on a private agreement between Respondent and Charging Party.

Respectfully submitted this 29<sup>th</sup> day of January 2020.

/s/ Charles P. Roberts III  
Charles P. Roberts III, Esq.  
Constangy, Brooks, Smith & Prophete, LLP  
100 N. Cherry Street, Suite 300  
Winston-Salem, NC 27101

Counsel for Respondent SOS International LLC

/s/ Lorrie E. Bradley  
Lorrie E. Bradley, Esq.  
Beeson Taylor & Bodine  
483 9th Street, 2nd Floor  
Oakland, California 94607-4051

Counsel for Charging Party Pacific Media Workers  
Guild, Communications Workers of America,  
Local 39521

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing motion was this 29<sup>th</sup> day of January 2020 served on the following persons by electronic mail:

William B. Cowen  
Regional Director  
Lindsay R. Parker  
Field Attorney  
National Labor Relations Board  
Region 21, Downtown Los Angeles  
888 S. Figueroa Street, Ninth Floor  
Los Angeles, California 90017  
[William.Cowen@nlrb.gov](mailto:William.Cowen@nlrb.gov)  
[Lindsay.Parker@nlrb.gov](mailto:Lindsay.Parker@nlrb.gov)

Lorrie E. Bradley  
Beeson, Tayer & Bodine  
483 9th Street, 2nd Floor  
Oakland, California 94607-4051  
[lbradley@beesontayer.com](mailto:lbradley@beesontayer.com)

Dated this 29<sup>th</sup> day of January 2020.

/s/ Charles P. Roberts III